

**REMARKS**

In the Office Action<sup>1</sup> dated October 3, 2005, the Examiner rejected claims 1-20, 24-35, 39-50, 54-65, and 69 under 35 U.S.C. § 103(a) as being unpatentable over Ellis et al. (U.S. Patent Appl. Pub. No. US 2005/0028208) (*Ellis*) in view of Daniels (U.S. Patent Appl. Pub. No. US 2002/0032907) (*Daniels*). The Examiner also relied upon Knudson et al. (U.S. Patent Appl. Pub. No. US 2005/0204388) (*Knudson*) because it is incorporated by reference into *Ellis*. The Examiner objected to claim 28 because it improperly depended on claim 23. The Examiner indicated allowable subject matter in claims 21-23, 36-38, 51-53, and 66-68 if they are rewritten in independent form. The Examiner allowed claims 70-253.

By this Amendment, Applicants have amended claims 1, 4, 5, 8, 9, 21, 25, 28, 30, 40, 51, 55, and 58, and cancelled claims 3, 7, 10-20, 24, 29, 41-50, 54, and 57 such that claims 1, 2, 4-6, 8, 9, 21-23, 25-28, 30-40, 51-53, 56, and 58-253 remain pending in this application. Claims 1, 5, 9, 25, 40, and 55 have been amended to include the subject matter of claims 3, 7, 14, 29, 42, and 57 respectively.

Applicants have amended claim 28 to properly depend from claim 25. Applicants respectfully request that the Examiner withdraw the objection of claim 28.

Applicants respectfully traverse the rejection of claims 1-20, 24-35, 39-50, 54-65 and 69 under 35 U.S.C. § 103(a). The prior art cited by the Examiner, *Ellis*, *Daniels*, and *Knudson*, does not teach or suggest each and every element of claims 1-20, 24-35, 39-

---

<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

50, 54-65 and 69. A *prima facie* case of obviousness has, therefore, not been established.

Claim 1 recites a combination including, for example:

the program information providing apparatus comprising:  
program recording preset cancel script generating means for generating a program recording preset cancel script, in response to a program recording preset cancel script generating request, the cancel script being a control command for invalidating the program recording preset script.

(emphasis added). *Ellis*, *Daniels*, and *Knudson* do not teach or suggest at least these elements.

*Ellis* teaches an interactive television program guide with remote access which provides users with the “opportunity to remotely access features of the interactive television program guide on the interactive television program guide equipment and to remotely set program guide settings” (Paragraph 0014). *Ellis* fails to teach a “program recording preset cancel script generating means for generating a program recording preset cancel script, in response to a program recording preset cancel script generating request, the cancel script being a control command for invalidating the program recording preset script” as recited by claim 1. Similarly, *Daniels* does not teach such a “program recording preset cancel script generating means for generating a program recording preset cancel script”.

According to the Examiner, *Knudson* “provides a cancel function, which is automatic thus being considered script” (Office Action at page 6). The Examiner contends that *Ellis* discloses that all functions can be done at the remote device or user device in a peer-to-peer or client server communications (Office Action at pages 6-7).

Applicants respectfully disagree. The references themselves contain no suggestion or motivation to modify or combine them as suggested by the Examiner. *Ellis* teaches “access communications may include, for example, commands, requests, messages, remote procedure calls (e.g. using a proxy-stub pair), or any other suitable client-server or peer-to-peer communication” (paragraph 0104). *Ellis* does not teach that a “program recording preset cancel script generating means for generating a program recording preset cancel script, in response to a program recording preset cancel script generating request” is included as an access communication. Therefore, the claimed cancel script generating means cannot be done at the remote device or user device in a peer-to-peer or client server communications.

*Knudson* is directed an interactive television program guide with series reminder and series recording capabilities (paragraph 0009). At any time during the completion of the program record screen 140, the user may cancel the record order by selecting cancel option 148 (paragraph 0085 and Figure 11). This cancel function is realized by a remote control (paragraph 0046), not remote access as taught by *Ellis*. *Knudson* does not teach a “program recording preset cancel script generating means for generating a program recording preset cancel script, in response to a program recording preset cancel script generating request” that can be achieved through remote access.

One of ordinary skill in the art would not combine *Ellis* and *Knudson* in view of the inconsistencies in the references. *Ellis* is directed to “an interactive television program guide with remote access” (paragraph 0014). *Ellis* does not teach a cancel script generating means that can be achieved through remote access. *Knudson* teaches a “remote control 40 to control the set-top box 28” (paragraph 0043). This

remote control is also used to select the cancel option 148 (paragraph 0085). The cancel function in *Knudson* cannot be achieved through remote access.

Furthermore, one skilled in the art would only arrive at the present claimed invention by consulting Applicant's disclosure, yet "[t]he teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure." M.P.E.P. § 2142, internal citations omitted. Relying on the Applicants' own disclosure in an attempt to provide some teaching or suggestion to combine *Ellis*, *Daniels*, and *Knudson* constitutes improper hindsight reasoning.

Because the cited references fail to teach or suggest the subject matter of claim 1 and dependent claims 2 and 4, no *prima facie* case of obviousness has been established with respect to these claims. Independent claims 5, 9, 25, 40, and 55, while of different scope, recite limitations similar to those in claim 1 and are thus allowable over *Ellis*, *Daniels*, and *Knudson* for at least the same reasons discussed above in regard to claim 1. Moreover, claims 6 and 8, 21-23, 26-28 and 30-39, 51-53, and 56 and 58-69 are also allowable at least due to their dependence from claims 5, 9, 25, 40, and 55 respectively.

Applicants respectfully request reconsideration of the application and withdrawal of the above detailed rejections. Applicants submit that pending claims 1, 2, 4-6, 8, 9, 21-23, 25-28, 30-40, 51-53, 56, and 58-253 are in condition for allowance, and Applicants request a favorable action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

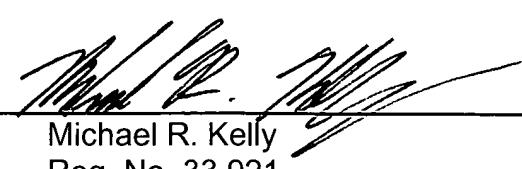
Customer No. 22,852  
Attorney Docket No. 09812.0158  
Application No. 09/872,239

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: December 5, 2005

By:

  
Michael R. Kelly  
Reg. No. 33,921